

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

JESSICA BAPTISTE,

Plaintiff,

v.

**LEE J. ROHN, INDIVIDUALLY AND
D/B/A LAW OFFICES OF LEE J. ROHN,**

Defendant.

Civil Action No. 2013-0104

Attorneys:

Andrew C. Simpson, Esq.,

Emily Shoup, Esq.,

St. Croix, U.S.V.I.

For Plaintiff

Gordon C. Rhea, Esq.,

St. Thomas, U.S.V.I.

Lee J. Rohn, Esq.,

St. Croix, U.S.V.I.

For Defendant

ORDER

UPON CONSIDERATION of the following three issues presented in this matter: (1) the adoption of the “case-within-a-case” doctrine as the standard for civil legal malpractice cases in the Virgin Islands; (2) the applicable burden of proof in a civil legal malpractice case brought in the Virgin Islands; and (3) the appropriate award of damages in a Virgin Islands civil legal malpractice action; and for the reasons stated in the accompanying Memorandum Opinion, filed contemporaneously herewith, it is hereby

ORDERED that the Court will apply the “case-within-a-case” doctrine to this civil legal malpractice action; and it is further

ORDERED that the Court will not depart from the usual burden of proof allocation in a civil legal malpractice action, and will therefore require Plaintiff to prove each of the four elements of a civil legal malpractice claim; and it is further

ORDERED that the Court will not reduce any award of damages in this case by a contingency fee or any other costs associated with the underlying case.

SO ORDERED.

Date: March 29, 2016

_____/s/_____
WILMA A. LEWIS
Chief Judge